

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No.52574

Prudencio Noguera  
Odilia Noguera

7502 Haystack Drive

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on June 16, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-112, 115, 312, failure to clear the exterior grounds of all junk, trash and debris per the Hearing Officer's Order dated April 7, 2009 on residential property zoned DR 5.5 known as 7502 Haystack Road, 21244.

On May 19, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Paul Cohen issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$7,000.00 (seven thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. This Citation was issued on May 19, 2009. A \$500.00 (five hundred dollars) lien was imposed against Respondents on April 29, 2009, enforcing a civil penalty imposed by Final Order after Respondents failed to correct similar violations by April 15, 2009. Citations have previously been issued on November 25, 2008, January 16, 2009, and March 11, 2009.

B. At the April 1, 2009 Hearing, Daniel Noguera appeared on behalf of his parents and testified that he would assist his parents in cleaning up the property. Notes in the file state that Inspector Cohen has communicated with Respondents directly using an interpreter and indirectly through other family members.

C. Photographs in the file show piles of junk and debris, including old car parts and rolled carpeting. Open dump conditions continue on this property. Respondents must remove all junk, trash, and debris, and pick up all dog feces on a daily basis.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$200.00 (two hundred dollars) if Respondents correct the violations by July 29, 2009 and clean up all junk, trash, and debris from the property. If the Respondents fail to correct the violations, then the full civil penalty shall be imposed.

IT IS FURTHER ORDERED that after July 29, 2009, Baltimore County may enter the property for the purpose of removing all junk, trash, debris and garbage from the premises, at the property owners' expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 7<sup>TH</sup> day of July 2009.

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer